

## ASHLAND BREAKWATER LIGHT TRANSFER ACT

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NOVEMBER 17, 2014.—Ordered to be printed

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Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

### R E P O R T

[To accompany H.R. 4049]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4049) to amend the Act to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes, to adjust the boundary of that National Lakeshore to include the lighthouse known as Ashland Harbor Breakwater Light, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of H.R. 4049 is to amend the Act to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes, to adjust the boundary of that National Lakeshore to include the lighthouse known as Ashland Harbor Breakwater Light.

#### BACKGROUND AND NEED FOR LEGISLATION

Built in 1915, the Ashland Harbor Breakwater Light is an operational light station located near Ashland, Wisconsin, and is currently owned and managed by the U.S. Coast Guard. The lighthouse was listed on the National Register of Historic Places in 2007. The Coast Guard announced its intent to give up ownership of the Ashland Light in May 2012. Only the National Park Service (NPS) has expressed credible interest in obtaining and maintaining the Ashland Light. In the absence of legislation it may not be available for public access.

While there were six other light stations within the boundaries of the Apostle Islands National Lakeshore transferred to the NPS from the US Coast Guard in 1986, the Ashland Light was not included because it was not inside the park boundary and it was believed that it would be actively maintained into the future.

H.R. 4049 adjusts the boundary of Apostle Islands National Lakeshore to include the light station. The legislation includes provisions to allow for the transfer of the light station, and not transfer jurisdiction for the surrounding waters or the breakwater itself to NPS. The Coast Guard will retain access to maintain the light as an aid to navigation.

#### COMMITTEE ACTION

H.R. 4049 was introduced on February 11, 2014, by Congressman Sean Duffy (R-WI). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. The bill was also referred to the Committee on Transportation and Infrastructure. On June 10, 2014, the Subcommittee on Public Lands and Environmental Regulation held a hearing on the bill. On June 19, 2014, the Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. The bill, without amendment, was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

#### *H.R. 4049—Ashland Breakwater Light Transfer Act*

H.R. 4049 would transfer the Ashland Harbor Breakwater Light from the U.S. Coast Guard to the National Park Service (NPS) for inclusion in the Apostle Island National Lakeshore in the state of Wisconsin. Based on information provided by NPS, CBO estimates that implementing the legislation would have no significant effect on the federal budget. H.R. 4049 would not significantly change federal costs to manage the Apostle Island National Lakeshore or

to renovate and maintain the lighthouse. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 4049 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

**2. Section 308(a) of Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the National Park Service, CBO estimates that implementing the legislation would have no significant effect on the federal budget.

**3. General Performance Goals and Objectives.** As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Act to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes, to adjust the boundary of that National Lakeshore to include the lighthouse known as Ashland Harbor Breakwater Light.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

#### COMPLIANCE WITH H. RES. 5

**Directed Rule Making.** The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

**Duplication of Existing Programs.** This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill,

as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## ACT OF SEPTEMBER 26, 1970

(Public Law 91-424)

AN ACT To provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to conserve and develop for the benefit, inspiration, education, recreational use, and enjoyment of the public certain significant islands and shoreline of the United States and their related geographic, scenic, and scientific values, there is hereby established the Apostle Islands National Lakeshore (hereinafter referred to as the "lakeshore") in Ashland and Bayfield Counties, Wisconsin, consisting of:

(a) IN GENERAL.—[the area] *The area generally depicted on the map entitled "Apostle Islands National Lakeshore", numbered NL-AI-91,000, sheets 1 and 2, and dated June 1970[; and].*

(b) LONG ISLAND ADDITION.—Approximately 200 acres of land at the mouth of Chequamegon Bay known as "Long Island", as depicted on the map numbered NL-AI-91,001 and dated December, 1985.[.]

(c) ASHLAND HARBOR BREAKWATER LIGHT.—

(1) *The Ashland Harbor Breakwater Light generally depicted on the map titled "Ashland Harbor Breakwater Light Addition to Apostle Islands National Lakeshore" and dated February 11, 2014, located at the end of the breakwater on Chequamegon Bay, Wisconsin.*

(2) *Congress does not intend for the designation of the property under paragraph (1) to create a protective perimeter or buffer zone around the boundary of that property.*

The maps shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior.

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SEC. 3. The Secretary may acquire within the boundaries of the lakeshore lands and interests therein by donation, purchase with donated or appropriated funds, or exchange, but lands and interests in lands owned by the State of Wisconsin may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the lakeshore is hereby transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the lakeshore[. *Provided*, That the United States Coast Guard may retain a right to utilize a portion of such land and facilities for use as navigational aids so long as may be required.]

\* \* \* \* \*

SEC. 6. (a) IN GENERAL.—The lakeshore shall be administered, protected, and developed in accordance with *this section and the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C.*

1, 2-4), as amended and supplemented; and the Act of April 9, 1924 (43 Stat. 90; 16 U.S.C. 8a et seq.), as amended, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

(b) *FEDERAL USE.—Rights to use a portion of the land and facilities of the lakeshore may be retained by—*

- (1) *the Army Corps of Engineers for breakwater maintenance, and*
- (2) *the Coast Guard for Federal aids to navigation (as defined in section 308(e)(4) of Public Law 89-665; 16 U.S.C. 470w-7(e)(4)).*

(c) *COOPERATION.—The National Park Service, the Coast Guard, and the Army Corps of Engineers shall cooperate in their operations so as to not lower the standards evolved for the operation of units of the National Park System, Federal aids to navigation, and harbor maintenance under Federal law with respect to the lakeshore.*

(d) *CLARIFICATION OF AUTHORITY.—Pursuant to existing authorities, the Secretary may enter into agreements with the City of Ashland, County of Ashland, and County of Bayfield, Wisconsin, for the purpose of cooperative law enforcement and emergency services within the boundaries of the lakeshore.*

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DOC HASTINGS, WA  
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LETTER EXCHANGE  
**U.S. House of Representatives**  
Committee on Natural Resources  
Washington, DC 20515

November 14, 2014

TODD YOUNG  
CHIEF OF STAFF  
The Honorable Bill Shuster  
Chairman  
Committee on Transportation and Infrastructure  
2165 Rayburn HOB  
Washington, D.C. 20515

Dear Mr. Chairman:

On June 19, 2014, the Committee on Natural Resources ordered reported without amendment H.R. 4049, the Ashland Breakwater Light Transfer Act by unanimous consent. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Transportation and Infrastructure.

I ask that you allow the Transportation and Infrastructure Committee to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. The Committee on Natural Resources concurs with the mutual understanding that when the House considers H.R. 4049, it will consider amended text negotiated between the staffs of our two committees. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Transportation and Infrastructure represented on the conference committee. Finally, I would be pleased to include this letter and your response in the bill report filed by the Committee on Natural Resources, as well as in the Congressional Record during floor consideration, to memorialize our understanding.

Thank you for your cooperation.

Sincerely,

Doc Hastings  
Chairman

cc: The Honorable John A. Boehner, Speaker  
The Honorable Peter A. DeFazio

The Honorable Nick J. Rahall, II  
The Honorable Thomas J. Wickham, Parliamentarian



**Committee on Transportation and Infrastructure  
U.S. House of Representatives**

**Bill Shuster**  
**Chairman**

Washington, DC 20515

**Nick J. Rahall, II**  
**Ranking Member**

Christopher P. Bertram, Staff Director

November 17, 2014

James H. Zeia, Democrat Staff Director

The Honorable Doc Hastings  
Chairman  
Committee on Natural Resources  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Hastings:

Thank you for your letter regarding H.R. 4049, the *Ashland Breakwater Light Transfer Act*, as ordered reported by the Committee on Natural Resources. I appreciate your inclusion of changes requested by the Committee on Transportation and Infrastructure as this bill moves forward.

I agree to allow the Committee on Transportation and Infrastructure to be discharged from consideration of H.R. 4049 with the understanding that this discharge does not affect the Committee's jurisdiction over the subject matter of the bill, and does not serve as precedent for future referrals. In addition, I expect the negotiated text to be the text considered on the floor. Finally, as stated in your letter, should a conference on the bill be necessary, I fully expect the Committee on Transportation and Infrastructure to be represented on the conference committee.

Thank you for your assistance in this matter and for agreeing to include a copy of this letter in the Committee on Natural Resources filed bill report, as well as in the Congressional Record during floor consideration.

Sincerely,

Bill Shuster  
Chairman

